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CrI.OP.No.7278 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.OP.No.7278 of 2025

Vishnukumar

... Petitioner(s) /Accused

Vs.

The State rep. by its
The Inspector of Police,
Palacode Police Station,
Dharmapuri District.
Crime No.349 of 2023

... Respondent(s)/ Complainant

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.349 of 2023 on the file of the respondent police.

For petitioner(s) : Mr.Ranjith Kumar

For Respondent(s) : Mr.S.Santhosh,
Government Advocate (CrI.Side)



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ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 420 of IPC, on the file of the respondent police, in Crime No.349 of 2023, seeks anticipatory bail.

2. It is the case of the prosecution that the first accused induced the defacto complainant to execute a sale deed in his favour in respect of the disputed property, representing that, it would help him secure higher compensation when the land is acquired by the Highways Department; that, after obtaining the documents, contrary to his promise, the first accused executed a sale deed in favour of the third accused/ petitioner herein, who subsequently transferred the property to the fourth accused.

3. The learned counsel for the petitioner would submit that the defacto complainant had filed a suit in O.S.No.101 of 2023 for declaration of title, and the said suit is still pending; that while the civil dispute is pending, the defacto complainant has lodged the instant FIR, and that in any case, custodial



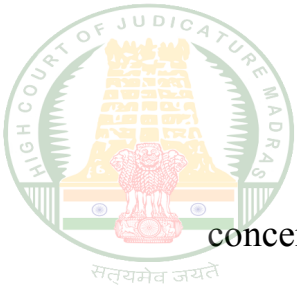
interrogation of the petitioner is not required and sought for anticipatory bail.

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4. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and, on instructions, submitted that a civil suit is pending between the parties.

5. Considering the aforesaid facts; the nature of allegations; the fact that the allegations are borne out by records; and since a civil suit is pending between the parties, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate, Palacode**, on condition that the petitioner shall execute a separate bond for a sum of **Rs.10,000 (Rupees Ten Thousand only) with two sureties each** for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate



concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10:30 a.m.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions



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have been imposed and the petitioner released on bail by the learned Magistrate/ Trial Court himself as laid down by the Hon'ble Supreme Court in ***“P.K.Shaji -vs- State of Kerala”*** reported in (2005) AIR SCW 5560.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

20.03.2025

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
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To

1. The Inspector of Police,
Palacode Police Station,
Dharmapuri District.
2. The Public Prosecutor,
Madras High Court,
Chennai.



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3. Judicial Magistrate, Palacode.

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SUNDER MOHAN, J.

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